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PTO/SB/21 (09-06)

Approved for use through 03/31/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

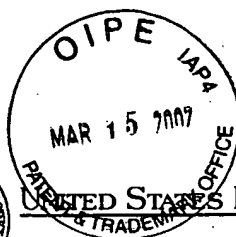
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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/554,173	
	Filing Date	April 20, 2004	
	First Named Inventor	Magnus HERTZBERG	
	Art Unit	Not Yet Assigned	
	Examiner Name	Not Yet Assigned	
Total Number of Pages in This Submission	9 + 1 disk	Attorney Docket Number	514862002400

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment/Reply  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request 2 pgs <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application  <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____  <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below):  1. COPY of Notice of Defective Resp - 2 pgs 2. Sequent List Stmt - 2 pgs 3. Sequence List (paper copy)- 4 pgs 4. Sequence List CRF - 1 disk
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	MORRISON & FOERSTER LLP (Customer No. 20872)		
Signature			
Printed name	Michael R. Ward		
Date	March 15, 2007	Reg. No.	38,651

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 709 179 098 US, on the date shown below in an envelope addressed to: MS: SEQUENCE LIST, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
Dated: March 15, 2007	Signature:  (Lilia Olsen)



COPY

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UNITED STATES DEPARTMENT OF COMMERCE  
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U.S. APPLICATION NUMBER NO. 10/554,173	FIRST NAMED APPLICANT Magnus Hertzberg	ATTY. DOCKET NO. 514862002400
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20872  
 MORRISON & FOERSTER LLP  
 425 MARKET STREET  
 SAN FRANCISCO, CA 94105-2482

RECEIVED

MAR 05 2007  
 MORRISON | FOERSTER  
 JRV

INTERNATIONAL APPLICATION NO. PCT/SE04/00604	
I.A. FILING DATE 04/20/2004	PRIORITY DATE 04/28/2003

CONFIRMATION NO. 7641

371 FORMALITIES LETTER



\*OC000000022692794\*

Date Mailed: 03/01/2007

## NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Priority Document
- Copy of the International Application filed on 10/21/2005
- Copy of the International Search Report filed on 10/21/2005
- Preliminary Amendments filed on 10/21/2005
- Information Disclosure Statements filed on 10/21/2005
- Biochemical Sequence Diskette filed on 08/08/2006
- Oath or Declaration filed on 08/08/2006
- Biochemical Sequence Listing filed on 08/08/2006
- Request for Immediate Examination filed on 10/21/2005
- U.S. Basic National Fees filed on 10/21/2005
- Priority Documents filed on 10/21/2005

Applicant's response filed 08/08/2006 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 06/13/2006 have not been completed.

- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

Applicant is required to complete the response within a time limit of **ONE MONTH** from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. **No extension** of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Seq. List  
 JRV  
 3/11/07  
 4-1-07-F



Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- For Rules Interpretation, call (571) 272-0951
- For Patent Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patent Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

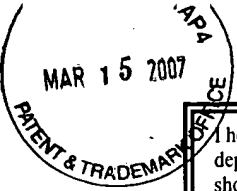
**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

KAREN M WILLIAMS

Telephone: (703) 308-9140 EXT 213

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/554,173	PCT/SE04/00604	514862002400



I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 709 179 098 US , on the date shown below in an envelope addressed to:  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: March 15, 2007

Signature: \_\_\_\_\_

(Lilia Olsen)

Docket No.: 514862002400  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Magnus HERTZBERG

Application No.: 10/554,173

Confirmation No.: 7641

Filed: April 20, 2004

Art Unit: Not Yet Assigned

For: TISSUE SPECIFIC PROMOTERS

Examiner: Not Yet Assigned

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS  
FOR PATENT APPLICATION CONTAINING NUCLEOTIDE  
SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

MS Sequence  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures, dated March 1, 2007. Applicants are submitting their response herewith within the one-month response period set to expire on April 1, 2007.

The U.S. Patent and Trademark Office has taken the position that the previous "Sequence Listing" in computer readable form did not comply with the requirements of Section 1.824 for the stated reason that it contained several raw sequence listing errors. Submitted herewith in connection with the above-referenced patent application is a substitute, computer readable copy of the Sequence Listing that corrects the defects noted in the raw sequence listing. No new matter has been added to the substitute Sequence Listing.

Application No.: 10/554,173  
Response to Notice to Comply

2

Docket No.: 514862002400



Applicants respectfully request the above-referenced patent application be placed upon the files for examination.

Dated: March , 2007

Respectfully submitted,

By Michael R. Ward

Michael R. Ward

Registration No.: 38,651

MORRISON & FOERSTER LLP

425 Market Street

San Francisco, California 94105-2482

(415) 268-6237